

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Page 1 of 3

FILING COMPLETION UNDER RULE 53(f)

(NOT PCT Applications)

For Design, Provisional, or Utility Applications

PATENT
APPLICATIONCOMPLETION Under
Rule 53(f)

In re: PATENT APPLICATION of

Inventor(s): Möckel et al.

Attn: Application Division

Appln. No.:

09

804,060

Atty.Dkt.

P

279062

000169 BT

Series Code

Serial No.

M#

Client Ref

Filed: March 13, 2001

Title: New nucleotide sequences encoding the citA gene

Hon. Commissioner of Patents
Washington, DC 20231

Date: July 25, 2001

Sir:
The following completes the filing under Rule 53(f) of the above-identified patent application:

1. **Notice to File Missing Parts** ☒ copy attached ☐ not yet received
2. ☒ Signed Declaration attached. ☒ Original ☐ Facsimile/Copy

(Always "X" box 2 if filing signed Declaration and"X" box 2A only if top box of the Declaration is X'd and file application copy, or"X" box 2B only if none of the top three boxes of the Declaration is X'd.)

- 2A. ☐ Attached: Original signed Declaration with attached specification (including claim(s)) which is a copy of specification and claim(s) originally filed to secure the above filing date.
- 2B. ☐ The original application as filed in the PTO on the above filing date is the application which each inventor executed by signing the attached Rule 63 Declaration.
3. ☒ Specification originally filed in non-English language; hence verified translation attached of:
- a. ☒ Abstract
- b. ☐ # 41 pages of Specification (only spec. & claims)
- c. ☒ Drawing(s) 1
No of Sheets
- ☒ Fig(s). 1
4. ☐ Letter filing formal drawing attached.
5. ☒ Attached is an assignment and cover sheet. Please return the recorded assignment to the undersigned.
6. DOMESTIC/INTERNATIONAL priority is claimed under 35 USC 119(e)/120/365(c) based on the following provisional, nonprovisional and/or PCT international application(s):

Application No.	Filing Date	Application No.	Filing Date
(1)		(2)	
(3)		(4)	
(5)		(6)	

7. FOREIGN priority is claimed under 35 USC 119(a)-(d)/365(b) based on filing in GERMANY

Application No.	Filing Date	Application No.	Filing Date
(1) DE 100 42 740.5	August 31, 2000	(2) DE 101 08 463.3	February 22, 2001
(3)		(4)	
(5)		(6)	

Completion Under Rule 53(b)

9. _____ (No.) Certified copy (copies): ☐ attached; ☐ previously filed (date) _____
in U.S. Application No. _____ filed on _____
10. Small Entity Status ☐ ☒ is Not claimed ☐ is claimed (file PAT-256 if this is the first claim of Small Entity Status)
11. ☐ Attached:
12. ☒ Preliminary Amendment attached

THE FOLLOWING FILING FEE IS BASED ON CLAIMS AS FILED LESS ANY ABOVE CANCELLED

				Large/Small Entity		Fee Code
13. Basic Filing Fee				Design Application \$320/\$160		106/26
				Not Design Application \$710/\$355	+710	101/201
14. Total Effective Claims	35	minus 20 =	15	x \$18/\$9	+270	103/203
15. Independent Claims	5	minus 3 =	2	x \$80/\$40	+160	102/202
16. If any proper multiple dependent claim (ignore improper) is present, (Leave this line blank if this is a reissue application)				\$270/\$135	+270	104/204
17. Surcharge for filing Declaration/filing fee late				\$130/\$65	+130	105/205
18. FILING FEE ENCLOSED =				\$1540		
19. Original due date: July 25, 2001						
20. Petition is hereby made to extend the original due date to (1 mo) \$110/\$55 = +0 115/215						
cover the date this response is filed for which the requisite fee (2mos) \$390/\$195 = 116/216						
is attached (3mos) \$890/\$445 = 117/217						
(4mos) \$1390/\$695 = 118/218						
21. If "non-English" box 3 is X'd, add Rule 17(k) processing fee				\$130	+130	139
22. If "assignment" box 5 is X'd, add recording fee				\$40	+40	581
23. Petition Fee for				\$130	+0	
24. TOTAL FEE ENCLOSED =				\$1710		

Our Deposit Account No. 03-3975

Our Order No. 21123

279062

C#

M#

CHARGE STATEMENT. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached. This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.

**Pillsbury Winthrop LLP
Intellectual Property Group**

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McLean, VA 22120

By Atty: Michael A. Sanzo

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NOTE: File in duplicate with PTO receipt (PAT-103A) and attachments



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/804,060	03/13/2001	Bettina Mockel	P 279062 000169 BT

CONFIRMATION NO. 7504

00909
PILLSBURY WINTHROP LLP
1100 NEW YORK AVENUE, N.W.
9TH FLOOR
WASHINGTON, DC 20005

FORMALITIES LETTER



0C000000006116530

Date Mailed: 05/25/2001

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 710 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The application was filed in a language other than English. Applicant is required to provide an English translation of the specification and a statement that the translation is accurate. (See 37 CFR 1.52(d)).
- Applicant must file an English translation of the application, the \$ 130 fee set forth in 37 CFR 1.17(i), unless previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).
- **The balance due by applicant is \$ 970.**
- Because your specification was filed in a language other than English, the Office was unable to determine the number of claims submitted. Additional claim fees may be due once the number of claims can be determined.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing figures contain text that is not in English (including, for example, a flow

chart that was originally not in English that has been marked up to include the English text) see 37 CFR 1.84(p)(2) and 37 CFR 1.52(d)(1);

- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54804 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

A copy of this notice MUST be returned with the reply.



Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

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05804050.07501

"Neue für das citA-Gen kodierende Nukleotidsequenzen"

and that the attached English translation of this document is a true and correct translation of the document attached thereto to the best of my knowledge and belief.

I further declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that wilful false statements and the like are punishable by fine or imprisonment, or both, under 18 USC 1001, and that such false statements may jeopardize the validity of this document.

By:

Dated: 19th March 2001